

LOCKE LORD BISSELL & LIDDELL LLP
John M. Hochhausler (SBN: 143801)
jhochhausler@lockelord.com
Cory A. Baskin (SBN: 240517)
cbaskin@lockelord.com
300 South Grand Avenue, Eighth Floor
Los Angeles, California 90071-3119
Telephone: 213.485.1500
Facsimile: 213.431.1500

Thomas J. Cunningham (admitted *pro hac vice*)
tcunningham@lockelord.com

Simon Fleischmann (admitted *pro hac vice*)

sfleischmann@lockelord.com

111 South Wacker Drive

Chicago, Illinois 60606-4410

Telephone: 312-443-0462

Facsimile: 312-896-6471

Attorneys for Defendant

HOMECOMINGS FINANCIAL, LLC

f/k/a HOMECOMINGS FINANCIAL

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

DOUG PEARSON, an individual, on behalf of) CASE NO. 08 CV 0515 H (NLS)
himself, and on behalf of all persons similarly)
situated,)
DECLARATION OF SIMON

**DECLARATION OF SIMON
FLEISCHMANN IN SUPPORT OF
DEFENDANT'S EX PARTE MOTION FOR
EXTENSION OF TIME TO RESPOND TO
PLAINTIFF'S FIRST AMENDED
COMPLAINT**

[Filed concurrently with Notice of Ex Parte Motion and Ex Parte Motion; Memorandum of Points and Authorities; [Proposed] Order e-mailed directly to the Court]

**Hon. Marilyn L. Huff
Courtroom 13**

I, Simon Fleischmann, declare as follows:

1. I am an attorney at law duly licensed to practice before all courts of the State of Illinois and have been admitted to appear *pro hac vice* before this Honorable United States District Court for the Southern District of California in this specific case. I am an associate at the Chicago

office of the law firm of Locke Lord Bissell & Liddell LLP, which serves as counsel for Defendant Homecomings Financial, LLC *f/k/a* Homecomings Financial Network, Inc. (“Defendant”), and am personally familiar with the matters set forth in this declaration. If called as a witness and placed under oath, I could and would testify truthfully and competently thereto.

2. On Monday, July 7, 2008, I called Norman Blumenthal, counsel for Plaintiff Doug Pearson (“Plaintiff”), and left a voicemail requesting a thirty (30) day extension of time for Defendant to respond to Plaintiff’s First Amended Complaint (“FAC”).

3. Receiving no response to my voicemail of July 7, 2008, I called Plaintiff's counsel again on Tuesday, July 8, 2008 and left another voicemail repeating my earlier request for his agreement to a thirty (30) day extension, and advising that if counsel did not return my call by the end of that same day, my firm would be filing an ex parte application with the Court requesting said thirty (30) day extension.

4. As of 5:00 p.m. CST, I had not received any response from Plaintiff's counsel to my request for a thirty (30) day extension.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on this 8th day of July, 2008, in Chicago, Illinois.

s/Simon Fleischmann

SIMON FLEISCHMANN